

<i>Jefferson County Policies & Procedures</i>			
Policy Name:	Appropriate Interface with Commissioners, Employees & Volunteers Policy	Approved:	5/10/2007
Policy Number:	913	Author:	Commissioners
Associated:			

PURPOSE:

To provide a harmonious work environment with clear lines of supervisory authority for county personnel.

POLICY

RESOLUTION

WHEREAS, W.Va. Constitution, Art. IX, § 9 provides for the public body known as the county commission, and W.Va. Code § 7-1-1 provides that county commissions are public corporations; and

WHEREAS, W.Va. Constitution, Art. IX, § 11 and W. Va. Code, §7-1-3 et seq. provide for the duties and responsibilities of county commissions; and

WHEREAS, W. Va. Constitution, Art. IX, § 10 provides for the election of individual county commissioners; and

WHEREAS, neither the W. Va. Constitution, nor the W. Va. Code grant to individual county commissioners power or authority to bind the county commissions on which they serve; and

WHEREAS, county commissions can only act in public session with a quorum present; and

WHEREAS, county commissions are authorized by law to employ, compensate and discharge county personnel; and

WHEREAS, individual county commissioners are without statutory or other authority to supervise or direct the performance of duties by county personnel; and

WHEREAS, county commissions are obliged to provide a harmonious work environment with clear lines of supervisory authority for county personnel.

BE IT RESOLVED as follows:

1. Definitions

- a. "County personnel" shall mean employees of the County Commission of Jefferson County, either full-time or part-time, who are public officers or public employees, excluding all elected officials, and further excluding the employees of the Assessor, Sheriff, County Clerk, Circuit Clerk and Prosecutor.
 - b. "County employee" shall mean any individual who would fall within the category of "county personnel."
 - c. "Volunteer" means any person appointed by the County Commission of Jefferson County to serve as a volunteer on any board or commission, to which the County Commission has power to appoint, for which volunteer service no remuneration is paid.
2. That individual Jefferson County Commissioners are without authority to supervise or otherwise direct the performance of duties by county personnel or volunteers.
 3. No individual Jefferson County Commissioner shall order or direct the performance of any act, task or duty by any county employee or volunteer unless specifically authorized by the the County Commission of Jefferson County.
 4. No county employee or volunteer is under any obligation or duty to perform any act, task or duty ordered or directed by an individual Jefferson County Commissioner, unless such act, task or duty, ordered and directed, was specifically authorized by the County Commission of Jefferson County; or except where the act, task or duty is a mandatory and nondiscretionary duty imposed by statute; or except where the individual Jefferson County Commissioner is requesting a service provided by that county employee for the public at large or for other county employees (ie. providing a photo – ID card); Provided further, that no county employee shall be disciplined in any way for declining to perform any such act, task or duty for any individual Jefferson County Commissioner, unless such act, task or duty was specifically authorized by the County Commission of Jefferson County; or where the act, task or duty is a mandatory and nondiscretionary duty imposed by statute; or where the service requested is provided for the public at large or for other county employees.
 5. No Jefferson County Commissioner shall: Make physical contact of an insulting or provoking nature with the person of any county employee or volunteer; or attempt to commit a violent injury to the person of any county employee or volunteer; or commit any act which places a county employee or volunteer in reasonable apprehension of immediately receiving a violent injury; or engage in violent, profane, or indecent or boisterous conduct or

language directed at a county employee or volunteer during the course of a workday or evening where the county employee is engaged in work or work related activities or where a volunteer is engaged in service with the board or commission on which he or she has been appointed.

At the regular meeting of the County Commission of Jefferson County, West Virginia on May 10, 2007, in open session, President Frances B. Morgan found a quorum present. Whereupon Commissioner Corliss made a motion to adopt this "Resolution", which motion was duly seconded by Commissioner Manuel, and a debate thereof ensued. Whereupon, President Morgan called the question, and the Commission proceeded to vote on the motion to adopt the "Resolution." The vote was Commissioner(s) Corliss, Manuel and R. Morgan to adopt said "Resolution" and Commissioner(s) F. Morgan and Surkamp to not adopt said "Resolution." Whereupon President Morgan declared the "Resolution" adopted.

Entered: May 10, 2007